

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 844

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 8-26-82
DATE FOR REVIEW 9-3-82
DATE DUE 9-9-82

Adopted w/a hearing _____
Adopted w/o hearing ✓
Temporary rule _____

Approved 9-9-82 Disapproved _____ Returned to Agency 9-13-82

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State 9-10-82 Revisor approved 9/1/82 disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 8.19.82 Date

✓ Notice of Intent to Solicit Outside Opinion SR. 2.15.82

✓ Order for rulemaking
N/A date of Hearing

✓ Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency

✓ Affidavit of Mailing Notice or rulemaking
6.2.82 At least 30 days prior to ~~hearing~~/adoption
✓ Additional Affidavit

✓ Mailing list Certificate

✓ Publication in State Register
6.7.82 At least 30/~~20~~ days prior to ~~hearing~~/adoption
✓ Errata in S.R. 6.21.82

N/A Hearing Examiner's Report

Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

✓ Agency's Findings of Fact

N/A LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules

N/A Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness

N/A Petition for Adoption of a Rule

✓ Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

N/A Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General

SF-00006-02

DEPARTMENT ATTORNEY GENERAL

STATE OF MINNESOTA
Office Memorandum

TO JOHN J. FEDA, Secretary
Board of Education, Vo-Tech Div.

DATE: 9/9/82

ATTN: LOIS STEINHAUS

FROM : TED A. MARTINEZ
Special Assistant
Attorney General

PHONE: 296-4692

SUBJECT: In the Matter of the Proposed Adoption of Rules of the State Board of Education (State Board for Vocational Education) Governing Amendments to 5 MCAR §§ 1.0782, 1.0786, 1.0791 Vocational Education Licenses for Adult Supplementary Teachers

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Please note that they have not been filed with the State Register. This must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of stamps of the Attorney General and Secretary of State;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages to the rules in the approved set.

If you have any questions in this regard, please contact me.

TAM:drw
Encs.

cc: Ms. Kathy Burek
Mr. Duane Harves

SF-00006-02

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT Education
747 Capitol Square Bldg.

TO : Special Ass't. Attorney General
204 Administration Building

DATE: August 25, 1982

FROM : Lois E. Steinhaus L.E.S.
Education Statistics Section

PHONE: 6-4428

SUBJECT: Approval of rules governing Vocational Education Licenses for Adult Supplementary Teachers 5 MCAR SS 1.0782, 1.0786 and 1.0791

Rules Without a Public Hearing

Enclosed is a copy or more than one if indicated, of the following materials:

*1. Rules as Adopted (four copies) No changes were made from the proposed to the adopted rules
2. Order Adopting Rules (original plus one)
3. Certificate of Board's Resolution Adopting Rules
4. Order for Notice of Intent to Adopt Rules Without Public Hearing
5. Certificate of Board's Authorizing Resolution
6. Notice of Intent to Adopt Rules Without Public Hearing
7. Affidavit of Mailing
   Affidavit of the Additional Notice....Rulemaking Mailing List Certificate
8. Rules as Proposed - State Register (copy of appropriate pages) and as mailed
9. Findings of Fact and Conclusions
10. Statement of Need and Reasonableness
11. Correspondence - none
12. Notice of Intent to Solicit Outside Opinion
13. Affidavit of Mailing Notice of Submission to the Attorney General - n/a

Please return the record to me. Thank you.

* Please note that on the Revisor's copies, a note indicating "not in SR" — c.
This was an error by the State Register and an addendum was placed in the June 21 issue on page 2353, a copy of which is included in this record.

State Board of Education
(State Board for Vocational Education)
Department of Education
Vocational-Technical Division

Adopted Amendments to Rules Governing Adult Supplementary Licenses

Rules as Adopted

5 MCAR S 1.0782 Procedure for licensure of vocational instructional and supportive personnel.

A. [Unchanged.]

B. Licensure procedure.

1. Initial entrance vocational license.

a. [Unchanged.]

b. Issuance. An applicant who meets the requirements of one of the initial entrance license options in B.1.c. shall be issued an initial one-year, two-year, or five-year entrance license depending upon the specific area of licensure.

c. [Unchanged.]

2. and 3. [Unchanged.]

4. Renewed regular five-year vocational license.

a. and b. [Unchanged.]

c. The provisions of a. and b. do not apply to an adult supplementary license.

5. [Unchanged.]

C. [Unchanged.]

5 MCAR S 1.0786 Continuing education requirements for relicensure of vocational instructional and supportive personnel.

A.-D. [Unchanged.]

E. Nonapplicability. This rule does not apply to an adult supplementary license.

5 MCAR S 1.0791 Adult vocational instructional personnel.

A.-B. [Unchanged.]

C. Adult supplementary license.

1.-2. [Unchanged.]

3. Adult supplementary license validity.

a. [Unchanged.]

b. Initial entrance and renewed adult supplementary license. An initial entrance or a renewed adult supplementary license is valid for five years.

Repealer. 5 MCAR S 1.0791 C.3.c. is repealed.

OFFICE OF THE REVISOR OF STATUTES

Certificate of Approval of Adopted Rules

Agency: State Board of Education AR0192

(State Board for Vocational Education)

Division: Vocational Technical Division

Agency Contact: Lois Steinhaus

Rule Numbers: 5 MCAR SS 1.0782, 1.0786, 1.0791

Title: Adopted Amendments to Rules Governing Adult Supplementary Licenses

Type of Rules: Permanent

Incorporations by Reference: None

Rule Number: Material Incorporated:

Duplication of Statutory Language: None

Rule Number: Statutory Section Duplicated:

The attached rules are approved as to form, subject to the following editorial changes:

Page 1, line 31, delete "This rule does" and insert

"The provisions of 5 MCAR S 1.0786 do"

APPROVED AS TO LEGALITY
Sept 9 1982
WARREN SPANNAUS, ATTORNEY GENERAL
BY Ted A. Mathieu
SPECIAL ASSISTANT ATTORNEY GENERAL

Steven C. Cross Elizabeth V. Rice

Steven C. Cross Name: Elizabeth V. Rice Date: 9/1/82

Revisor of Statutes Title: Assistant Revisor Phone: 2-2798

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
SEP 10 1982
Joan Anderson Growe
Secretary of State
3:47 PM

Rules as Proposed

5 MCAR S 1.0782 Procedure for licensure of vocational instructional and supportive personnel.

A. [Unchanged.]

B. Licensure procedure.

1. Initial entrance vocational license.

a. [Unchanged.]

b. Issuance. An applicant who meets the requirements of one of the initial entrance license options ~~set forth~~ in B.1.c. ~~of this rule (below)~~ shall be issued an initial one-year ~~or~~, two-year, or five-year entrance license depending upon the specific area of licensure ~~sought~~.

c. [Unchanged.]

2. and 3. [Unchanged.]

4. Renewed regular five-year vocational license.

a. and b. [Unchanged.]

c. The provisions of a. and b. do not apply to an adult supplementary license.

5. [Unchanged.]

C. [Unchanged.]

5 MCAR S 1.0786 Continuing education requirements for relicensure of vocational instructional and supportive personnel.

A.-D. [Unchanged.]

E. Nonapplicability. This rule does not apply to an adult supplementary license.

5 MCAR S 1.0791 Adult vocational instructional personnel.

A.-B. [Unchanged.]

C. Adult supplementary license.

1.-2. [Unchanged.]

3. Adult supplementary license validity.

a. [Unchanged.]

b. Initial entrance and renewed adult supplementary license. ~~The~~ An initial entrance or a renewed adult supplementary license ~~shall remain~~ is valid for ~~a two-year period~~ five years.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

EVR

Repealer. 5 MCAR S 1.0791 C.3.c. is repealed.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

EJR

OFFICE OF THE REVISOR OF STATUTES
PROPOSED RULES

4-20-82
RD192

Agency: State Board of Education (State Board for Vocational Education) Department of Education

Division: Division of Vocational-Technical Education

Agency Contact: Lois Steinhaus Phone Number: 296-4428

Title: Proposed Rules Governing Vocational Education Licenses for Adult Supplementary Teachers

Type of Rules: Permanent X Temporary ____

Incorporations by References: None

Rule Number	Material Incorporated Author Title Place Publisher Date Cost Places Available

See Additional references on back Yes ____ No X

Duplication of Statutory Language: None

Rule Number	Statutory Section Duplicated

The attached rules are approved as to form.

Steven C. Cross
Revisor of Statutes

Name: Elizabeth V. Rice
Elizabeth V. Rice

Title: Assistant Revisor

Phone: 296-2798

State Board of Education
(State Board for Vocational Education)
Department of Education
Vocational-Technical Division

In the Matter of the Proposed Adoption of Rules of the State Board of Education (State Board for Vocational Education) Governing Amendments to 5 MCAR §§ 1.0782, 1.0786, 1.0791 Vocational Education Licenses for Adult Supplementary Teachers

ORDER ADOPTING RULES

Notice of the Board's intent to adopt the above-entitled rules without a public hearing was published in the State Register on June 7, 1982 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes Section 15.0412, subd. 4 on June 2, 1982. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving no written requests for a public hearing within the 30-day comment period, receiving no comments, and determining the need for and reasonableness of the above-captioned rules,

NOW, THEREFORE, IT IS ORDERED that these rules identified as Amendments to 5 MCAR §§ 1.0782, 1.0786, 1.0791 Vocational Education Licenses for Adult Supplementary Teachers are adopted this 19th day of August, 1982 pursuant to authority vested in the Board by Minnesota Statutes Sections 125.185, subd. 4 and 121.11, subd. 12.

STATE OF MINNESOTA

John J. Feda

John J. Feda, Secretary

by Gerald L. Kleve

Deputy Commissioner

Insurers Rating Association of Minnesota (WCIRA) petition. The hearing shall be conducted before Hearing Examiner Jon Lunde, Office of Administrative Hearings, Room 310, Fourth Avenue South, Minneapolis, Minnesota 55415, 341-7600.

2. The hearing in this matter will be held for the purpose of providing the petitioner, WCIRA, with an opportunity to present evidence in support of amendments to the manual requested in their petitions. The hearing will be conducted as a contested case hearing according to the procedures set forth in Minn. Stat. § 15.0411-15.052; 79.076, subd. 2(2); 79.071; 79072 and pursuant to 9 MCAR §§ 2.101-2.199.

3. Throughout the proceedings in this matter, interested parties may be represented by legal counsel or by a person or representative of their choice. Questions concerning the hearing should be directed to the hearing examiner. Questions concerning this order, concerning discovery or concerning an informal disposition of this matter may be directed to the hearing examiner or to Rey Harp, 1100 Bremer Tower, 7th and Minnesota Street, St. Paul, Minnesota 55101, 296-9701.

IV.

NOTICE OF PREHEARING CONFERENCE

1. Notice of pretrial conference. Notice is hereby given that a pretrial conference will be held at 9:00 a.m. on the fourth day of March at 400 Summit Bank Building, Courtroom #3, 310 Fourth Avenue South, Minneapolis, Minnesota before the Hearing Examiner. The pretrial conference will be held for purposes establishing a hearing date for this matter, and to consider any pretrial motions.

2. Any person or organization who intends to appear at the prehearing must file a Notice of Appearance with the hearing examiner within 20 days of the publication of this notice. In addition, public comments may be presented at the hearing either orally or in writing. If no persons contest the proposals or the petitions, they may be deemed true. In the event the proposals are taken as true or the issues are deemed proven, it is possible that the proposed amendments to the schedule rates requested by the WCIRA will be granted.

3. Minn. Stat. chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, Subd. 11 (1979 Supp.) as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than $250, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The Statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, Saint Paul, Minnesota 55155, 296-5615.

4. Copies of the proposed amendments to the schedule rate may be obtained from the Workers' Compensation Insurers Rating Association of Minnesota, 510 Marquette Avenue, Minneapolis, Minnesota 55402, 338-4500. In addition, copies may be inspected during regular business hours at the Minnesota Insurance Division, Department of Commerce, 500 Metro Square Building, St. Paul, Minnesota 55101.

Michael D. Markman
Commissioner of Insurance

State Board of Education
(State Board for Vocational Education)
Department of Education
Vocational-Technical Education Division

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing Vocational Education Licenses for Adult Supplementary, Part-time Preparatory and Substitute Teachers

Notice is hereby given that the State Board of Education (State Board for Vocational Education) is seeking information or opinions from sources outside the agency in preparing to amend rules 5 MCAR §§ 1.0782, 1.0786, 1.0791 and 1.0793 governing

the time period for initial and renewed licenses. The promulgation of these rules is authorized by Minn. Stat. §§ 125.185, subd. 4 and 121.11, subd. 12.

The State Board of Education (State Board for Vocational Education) requests information and comments concerning the subject matter of these rules. Interested or affected persons may submit statements of information or comment orally or in writing. Written statements should be addressed to:

Ms. Sharon Grossbach
Division of Vocational-Technical Education
529 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101

Oral statements will be received during regular business hours over the telephone at (612) 296-6516 and in person at the above address.

All statements of information and comments shall be accepted until March 5, 1982. Any written material received by the State Board of Education (State Board for Vocational Education) shall become part of the record in the event that the rules are amended.

Mary Thornton Phillips
Assistant Commissioner
Division of Vocational-Technical Education

Energy Agency
Conservation Division

Notice of Intent to Solicit Outside Opinion on Rules Relating to the Minnesota Energy Conservation Service

Notice is hereby given that the Energy Agency is seeking information or opinions from sources outside the agency in considering a revision of rules that regulate the Minnesota Energy Conservation Service, 6 MCAR §§ 2.2300-2313. The rules are authorized by Minn. Stat. § 116H.17.

Existing state rules regulating the program may be modified in accordance with recent changes proposed by the U.S. Department of Energy in its rules regulating the Residential Conservation Service Program. Those proposed rules were published in the *Federal Register* on November 12, 1982 at pp. 55836 to 55874.

All interested or affected persons may submit information on this subject until the Agency publishes its proposed rules, expected by June, 1982. Written or oral information and comments should be addressed to:

Greg Hubinger
(612) 297-2117
Minnesota Energy Conservation Service Program
Minnesota Energy Agency
980 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101

Any written materials by the agency will be made part of the record in the event amendments to the rules are proposed.

Department of Energy, Planning & Development
Energy Policy Development Council

Notice of Council Meeting

The next meeting of the council is scheduled for February 22, 1982, 1:00 to 4:30 p.m. in Conference Room A on the third floor of the Northwestern National Bank Building, 7th and Marquette, Minneapolis. The meeting will address questions of capital availability for the development of Minnesota's energy resources. Contact Allen Jaisle, 296-2641, for further information.

State of Minnesota
Department of Education

State Board of Education
(State Board for Vocational Education)
Vocational-Technical Division

In the Matter of the Proposed Adoption of Amendments to Rules of the State Board of Education (State Board for Vocational Education) Governing Adult Supplementary Licenses

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this 10th day of May, 1982 that Notice of Intent to Adopt Amendments to Rules Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the State Board of Education (State Board for Vocational Education) for that purpose and be published in the State Register.

STATE OF MINNESOTA
State Board of Education
(State Board for Vocational Education)

John J. Feda, Secretary

CERTIFICATE OF BOARD'S
AUTHORIZING RESOLUTION

I, John J. Feda, do hereby certify that I am the Secretary of the Board of Education (State Board for Vocational Education), a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of Education duly and properly called and held on the 10th day of May, 1982, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> "RESOLVED, that John J. Feda, Secretary of the Board of Education (State Board for Vocational Education), be and he hereby is granted the authority and directed to sign an Order of the Board directing that Notice be given of the Board's intent to adopt without a public hearing amendments to rules governing Adult Vocational Education Supplementary Licensure, to sign the Notice thereof, and to perform any and all acts incidental thereto. In the event a public hearing becomes necessary, he or his designee hereby is granted the authority and directed to call a hearing for the purpose of promulgating said rules as well as perform any and all acts incidental thereto, including but without being limited to signing an Order for Hearing and Notice of Hearing as well as acting as the Board's representative at all hearings.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 10th day of May, 1982.

John J. Feda, Secretary
State Board of Education
(State Board for Vocational Education)

Patricia A. Kehoe
Member, State Board of Education
(State Board for Vocational Education)

State Board of Education
(State Board for Vocational Education)
Department of Education
Vocational-Technical Division

In the Matter of the Proposed Adoption of Amendments to Rules of the State Board of Education (State Board for Vocational Education) Governing Adult Supplementary Licenses

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the State Board of Education (State Board for Vocational Education), proposes to adopt the above-entitled rules without a public hearing. The Board has determined that the proposed adoption of these amendments to the rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. § 15.0412, subd. 4h.

The purpose of these proposed amendments to the rules is to extend the time period from two to five years for initial adult supplementary licenses. Renewed adult supplementary licenses will be extended from three to five years. The adult supplementary license permits employment as a vocational teacher for a maximum of 500 hours per year. Extending the time period will make the license fee for adult supplementary teachers more equitable with other license fees.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30 day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provision of Minn. Stat. § 15.0412, subd. 4-4f.

Persons who wish to submit such comments or a written request for a public hearing should submit such comments or requests to:

Sharon K. Grossbach
Division of Vocational-Technical Education
529 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101
(612) 296-6516

Authority for the adoption of these rules is contained in Minn. Stat. §§ 125.185, subd. 4 and 121.11, subd. 12. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from Sharon Grossbach upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Sharon Grossbach. 9

A copy of the proposed rules is attached to this Notice. 10

Copies of this Notice and the proposed rules are available and may be obtained by contacting Sharon Grossbach.

State of Minnesota
State Board of Education
(State Board for Vocational Education)

May 10, 1982
Date

John J. Feda, Secretary

State of Minnesota
Department of Education

State Board of Education
(State Board for Vocational Education)
Vocational-Technical Division

IN THE MATTER OF: The Proposed Adoption of Rules of the State Board of Education (State Board for Vocational Education) Governing Adult Supplementary Licenses Without Public Hearing

STATE OF MINNESOTA)
) ss.
County of Ramsey)

AFFIDAVIT OF MAILING

Harold E. Klecker, being first duly sworn, deposes and says:

That on the 2nd day of June, 1982, at the City of St. Paul, County of Ramsey, State of Minnesota, he served the attached Notice of Intent to Adopt Rules without Public Hearing, by depositing in the State of Minnesota Central Mail System for United States mailing at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations named on the certified list (see attached Certificate) who have requested that their names be placed on file with the Minnesota Department of Education for the purpose of receiving notice of the proposed adoption of rules by the State Board of Education.

Harold E Klecker

Subscribed and sworn to before me
this 2 day of June
1982.

Luana Vadnais

LUANA VADNAIS
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Comm. Expires June 16, 1984

State of Minnesota
Department of Education

State Board of Education
(State Board for Vocational Education)
Vocational-Technical Division

In THE MATTER OF: The Proposed Adoption of Rules of the State Board of Education (State Board for Vocational Education) Governing Adult Supplementary Licenses Without Public Hearing

Affidavit of Additional Notice of the State Board of Education Mailing List

I hereby certify that in addition to the Notice required for persons on the State Board of Education rulemaking mailing list, of persons who have specifically requested notice of rulemaking proceedings, a Notice was mailed to all persons on the Education Statistics memo series mailing list, as of 1 o'clock P .M., this 2nd day of June, 1982, which includes school superintendents, Directors of ECSUs, AVTIs, Vocational Centers and Joint Powers Districts.

State Board of Education
(State Board for Vocational Education)

John J. Freda
Secretary

Subscribed and sworn to before me this 2 day of June, 1982.

Luana Vadnais
Notary Public

Ramsey County, Minnesota

My commission expires .

LUANA VADNAIS
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Comm. Expires June 16, 1984

State of Minnesota
Department of Education

State Board of Education
(State Board for Vocational Education)
Vocational-Technical Division

STATE OF MINNESOTA

COUNTY OF RAMSEY

IN THE MATTER OF: The Proposed Adoption

of Rules of the State Board of Education

(State Board for Vocational Education)

Governing Adult Supplementary Licenses

Without Public Hearing

CERTIFICATE

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. § 15.0412, subd. 4, that their names be placed on file with and maintained by the Minnesota Department of Education for the purpose of receiving notice of the proposed adoption of rules by the State Board of Education is accurate and complete as of 1 o'clock P .M. this 1st day of June, 1982.

STATE BOARD OF EDUCATION

By Linda Colberg

month. The notification shall be submitted to the agency ~~on~~ by the fifteenth day of each month. Upon the request of the director, the county shall provide the agency with a copy of all the information that it considered in reaching its decision. ~~The agency shall place the matter on the agenda of the next regularly scheduled meeting of the agency, which will be on the fourth Tuesday of the month. The agency may amend, modify, suspend, or reverse the action of the county. The action of the agency in reviewing the county decision to grant the license or permit shall not affect the agency's consideration of a Hazardous Waste Facility Permit for the same facility under these rules.~~

2. The director shall within 15 days of receiving the notification, advise the county in writing of his decision to approve, suspend, or request additional information on the licenses or permits. The director may suspend any hazardous waste license or permit approved and issued by the county. Upon suspension, the procedure described in B.2. shall be followed.

3. A county shall submit to the director, upon request, a copy of any disclosure, manifest, annual report, exception report, or any other document that has been submitted to the county in lieu of submission to the agency pursuant to C.

~~3.~~ 4. A county with a hazardous waste ordinance approved by the agency shall submit to the agency a yearly summary of hazardous waste management in the county. The yearly summary shall be submitted by March 1 for the year that ended on the previous December 31. The summary shall contain:

a. the name and identification numbers assigned by the county to each generator in the county~~.~~;

b. the total number of hazardous waste shipments~~.~~;

c. the total quantities shipped for each type of hazardous waste~~.~~;

d. the identification numbers ~~pursuant to 6 MCAR § 9.4005 C.~~ and names of the transporters used~~.~~;

e. facilities at which the waste was stored, processed, or disposed~~.~~;

f. number of spills and accidents~~.~~; and

g. any other information requested by the director.

Repealer. Rules 6 MCAR § 4.9004; 6 MCAR § 4.9006 I.; 6 MCAR § 4.9008; and 6 MCAR § 4.9010 are repealed. Appendices A, B, C, D, E, F, G, H, I, and J, as published in 2 *State Register* 549-615, September 19, 1977, are repealed.

State Board of Education
(State Board for Vocational Education)
Department of Education
Vocational-Technical Division

Proposed Amendments to Rules Governing Adult Supplementary Licenses

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the State Board of Education (State Board for Vocational Education), proposes to adopt the above-entitled rules without a public hearing. The board has determined that the proposed adoption of these amendments to the rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. § 15.0412, subd. 4h.

The purpose of these proposed amendments to the rules is to extend the time period from two to five years for initial adult supplementary licenses. Renewed adult supplementary licenses will be extended from three to five years. The adult supplementary license permits employment as a vocational teacher for a maximum of 500 hours per year. Extending the time period will make the license fee for adult supplementary teachers more equitable with other license fees.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30 day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provision of Minn. Stat. § 15.0412, subd. 4-4f.

Persons who wish to submit such comments or a written request for a public hearing should submit such comments or requests to:

Sharon K. Grossbach
Division of Vocational-Technical Education
529 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101
(612) 296-6516

Authority for the adoption of these rules is contained in Minn. Stat. §§ 125.185, subd. 4 and 121.11, subd. 12. Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information related upon to support the proposed rules has been prepared and is available from Sharon Grossbach upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the statement of need and reasonableness, all written comments received, and the rules as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Sharon Grossbach.

A copy of the proposed rules is attached to this notice.

Copies of this notice and the proposed rules are available and may be obtained by contacting Sharon Grossbach.

May 10, 1982

John J. Feda, Secretary

Rules as Proposed

5 MCAR § 1.0782 Procedure for licensure of vocational instructional and supportive personnel.

A. [Unchanged.]

B. Licensure procedure.

1. Initial entrance vocational license.

a. [Unchanged.]

b. Issuance. An applicant who meets the requirements of one of the initial entrance license options ~~set forth~~ in B.1.c. ~~of this rule (below)~~ shall be issued an initial one-year ~~or~~, two-year, or five-year entrance license depending upon the specific area of licensure ~~sought~~.

c. [Unchanged.]

2. and 3. [Unchanged.]

4. Renewed regular five-year vocational license.

a. and b. [Unchanged.]

The provisions of a. and b. do not apply to an adult supplementary license.

5. [Unchanged.]

C. [Unchanged.]

5 MCAR § 1.0786 Continuing education requirements for relicensure of vocational instructional and supportive personnel.

A.-D. [Unchanged.]

E. Nonapplicability. This rule does not apply to an adult supplementary license.

5 MCAR § 1.0791 Adult vocational instructional personnel.

A.-B. [Unchanged.]

C. Adult supplementary license.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

1.-2. [Unchanged.]

3. Adult supplementary license validity.

a. [Unchanged.]

b. Initial entrance and renewed adult supplementary license. ~~The~~ An initial entrance or a renewed adult supplementary license ~~shall remain~~ is valid for a ~~two-year period~~ five years.

Repealer. 5 MCAR § 1.0791 C.3.c. is repealed.

Department of Employee Relations

Proposed Repeal of Rules Regarding the State Personnel System

Notice of Intent to Repeal Rules without a Public Hearing

Notice is hereby given that the State Department of Employee Relations proposes to repeal the above entitled rules without a public hearing. The commissioner has determined that the proposed repeal of these rules is noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes § 15.0412, subdivision 4h (1980) for repeal of noncontroversial rules.

Persons interested in these rules shall have 30 days to submit comments on proposed repeal of these rules. The list of rules proposed for repeal may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change.

Unless seven or more persons submit written requests for a public hearing on the repealer within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes § 5.0412, subdivisions 4-4f.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

Mark Sundquist
3rd Floor, Space Center Building
444 Lafayette Road
St. Paul, Minnesota 55101
Telephone No. 296-8933

The repeal of these rules is proposed because some of them duplicate statutory language contrary to the requirements of Minnesota Statutes § 15.0412, subdivision 1, section 5 (Supp. 1981). Other rules proposed for repeal are no longer subject to the rulemaking provisions of the administrative procedure act because they do not directly affect the rights of or processes available to the general public. The subject matter of these rules will be incorporated into collective bargaining agreements and plans established pursuant to Minnesota Statutes § 43A.18 (Supp. 1981) or administrative procedures provided for by Minnesota Statutes § 43A.04, subdivision 4 (Supp. 1981).

Additionally, a statement of need and reasonableness has been prepared and is available from Mark Sundquist upon request. That statement describes the need for and reasonableness of repealing these rules.

Upon repeal of the rules without a public hearing, this notice, the statement of need and reasonableness, all written comments received, and the final list of rules repealed will be delivered to the Attorney General for review as to form and legality. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Mark Sundquist.

Copies of this notice and the rules proposed for repeal are available and may be obtained by contacting Mark Sundquist.

Rules as Proposed

Repealer. The following rules are repealed: 2 MCAR §§ 2.007; 2.008; 2.009; 2.012; 2.016; 2.017; 2.018; 2.019; 2.021; 2.024; 2.028; 2.031; 2.032; 2.033; 2.045; 2.047; 2.048; 2.051; 2.057; 2.058; 2.059; 2.060; 2.062; 2.063; 2.081; 2.082; 2.083; 2.086; 2.087; 2.097; 2.098; 2.099; 2.101; 2.106; 2.107; 2.108; 2.109; 2.110; 2.111; 2.116; 2.117; 2.119; 2.129; 2.130; 2.131; 2.132; 2.133; 2.134; 2.135; 2.136; 2.137; 1.138; 2.139; 2.140; 2.141; 2.142; 2.143; 1.144; 2.145; 2.146; 2.150; 2.151; 2.152; 2.153; 2.155; 2.160; 2.161; 2.162; 2.163; 2.164; 2.166; 2.167; 2.168; 2.170; 2.171; 2.172; 2.175; 2.176; 2.177; 2.178; 2.180; 2.181; 2.189; 2.190; 2.191; 2.192; 2.193; 2.194; 2.195; 2.196; 2.197; 2.203; 2.204; 2.206; 2.207; 2.209; 2.210; 2.211; 2.213; 2.214; 2.216; 2.217; 2.218; 2.219; 2.220; 2.221; 2.223; 2.226; 2.232; 2.234; 2.235; 2.238; 2.240; 2.241 governing original appointment, which was mistakenly renumbered 2 MCAR § 2.244, an already used number, when last filed with the Secretary of State; 2.242; 2.243; 2.244; 2.246; 2.247; 2.248; 2.250; 2.253; 2.254; 2.257; 2.265; 2.266; 2.267; 2.268; 2.269; 2.275; 2.276; 2.277; 2.278; 2.279; 2.280; 2.281; and 2.282.

Pre-filed Testimony:

Barnesville Public Library
111 2nd Street NE
Barnesville, MN 56514

Jack Fredericks
Planning Director
Clay County Courthouse
Moorhead, MN 56560

Evelyn Leach
Elkton Township Clerk
Glyndon, MN 56547

Lake Agassiz Regional Library
115 South 6th Street
Moorhead, MN 56560

Jerry H. Cook
Elmwood Township Clerk
Baker, MN 56513

The prefiled material for all proposed sites is also available for review at the agency and board offices listed above.

Errata

At 6 S.R. 227 (June 7, 1982, Department of Education proposed rule 5 MCAR § 1.0782 B.4.), insert "c." before the sentence "The provisions of a. and b. do not apply to an adult supplementary license."

State of Minnesota
State Board of Education
(State Board for Vocational Education)
Department of Education

In the Matter of the Proposed
Adoption of Rules of the State
Board of Education (State Board
for Vocational Education) Governing
Amendments to 5 MCAR §§ 1.0782,
1.0786, 1.0791 Vocational Education
Licenses for Adult Supplementary
Teachers

FINDINGS OF FACT

1. At its regular meeting of May 10, 1982, the State Board of Education (State Board for Vocational Education) (hereinafter the "Board") proposed that the above-entitled rules be adopted after compliance with the procedure which authorizes an agency to propose and adopt rules without a public hearing.

2. Pursuant thereto, the Notice of Intent to Adopt Rules Without a Public Hearing was published in the State Register on June 7, 1982, together with a copy of the proposed rules.

3. The Board's authority to promulgate the proposed rules is contained in Minnesota Statutes §§ 125.185, subd. 4 and 121.11, subd. 12.

4. The Statement of Need and Reasonableness for proposed amendments to Rules 5 MCAR §§ 1.0782, 1.0786, 1.0791 sets forth the need for and reasonableness of the rules to be adopted herein.

5. The Statement of Need and Reasonableness is incorporated into these findings and becomes a part hereof as though fully set forth herein.

6. Copies of the Notice of Intent to Adopt Amendments to 5 MCAR §§ 1.0782, 1.0786 and 1.0791 Without a Public Hearing and of the proposed rules were mailed on June 2, 1982, to names appearing on the Department of Education rule-making mailing list and to all persons on the Education Statistics memo series mailing list which includes school superintendents, Directors of ECSUs, AVTIs, Vocational Centers and Joint Powers Districts.

7. No one requested a public hearing within the 30-day comment period.

8. No correspondence was received pertaining to this topic.

CONCLUSIONS

1. The Board gave due, timely, and adequate legal notice of its intent to adopt the rules without a public hearing.

2. No one requested a public hearing during the 30-day comment period.

3. The Board has the statutory authority to promulgate the proposed rules.

4. The Board has fulfilled all relevant, substantive, and procedural requirements of law or rule.

5. The Board has demonstrated the need for and the reasonableness of the proposed rules by an affirmative presentation of facts.

August 19, 1982

John J. Feda
Secretary, State Board of Education
by Gerald L. Kleve
Deputy Commissioner

CERTIFICATE OF BOARD'S
RESOLUTION ADOPTING RULES

I, John J. Feda, do hereby certify that I am the Secretary of the Board of Education (Board for Vocational Education), a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of Education (Board for Vocational Education), duly and properly called and held on the 19th day of August, 1982, that a quorum was present at said meeting, that a majority of those present voted for the resolution, and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> "RESOLVED, that the rules relating to Amendments to 5 MCAR §§ 1.0782, 1.0786, 1.0791 Vocational Education Licenses for Adult Supplementary Teachers be and they hereby are approved and adopted, pursuant to authority vested in us by Minnesota Statutes §§ 125.185, subd. 4 and 121.11, subd. 12, and that John J. Feda, the Secretary of the Board of Education (Board for Vocational Education), be and hereby is authorized to sign an order adopting these rules and further is authorized to perform the necessary acts to provide that these rules shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 19th day of August, 1982.

John J. Feda
John J. Feda, Secretary
By Gerald L. Kleve
Deputy Commissioner

William J. Kidby
Member, State Board of Education
(State Board for Vocational Education)

STATE OF MINNESOTA
BOARD FOR VOCATIONAL EDUCATION

CHAPTER THIRTY-NINE: RULES FOR
LICENSURE OF VOCATIONAL EDUCATION PERSONNEL

STATEMENT OF NEED AND REASONABLENESS

PROPOSED AMENDMENTS TO RULES 5 MCAR §§ 1.0782, 1.0786, 1.0791

VOCATIONAL EDUCATION LICENSES

FOR ADULT SUPPLEMENTARY TEACHERS

INTRODUCTION

Public vocational education is delivered through area vocational-technical institutes, centers and school districts. One category of vocational education is adult extension programs which are directed at adults for the purpose of training, retraining and upgrading. Adult extension programs are part-time in nature, sponsored by public vocational education institutions and not necessarily limited to campus locations. Course length is determined by the objective to be accomplished. For example, some courses are very specific and short term in nature and some courses include a series of topics that are addressed in sequence over a 2-3 year period.

Generally, persons who teach adult vocational education courses must be licensed for that activity as a prerequisite to teaching. An adult supplementary license permits an individual, whose occupation is not primarily teaching, to teach up to 500 hours a year. This license enables adult vocational education to respond quickly to the training requests of Minnesota business and industry because it allows utilization of the outside expertise of those employed in the field to be used in short-term adult vocational classes.

The Board's statutory authority to promulgate the proposed rules is contained in Minnesota Statutes §§ 125.185, subd. 4 and 121.11, subd. 12.

RULE AMENDMENTS

5 MCAR § 1.0791 - Adult Vocational Instructional Personnel

The primary purpose of these amendments is to increase the term of the initial entrance adult supplementary license from two years to five years and to increase the term of the renewed adult supplementary license from three years to five years. Thus, the major revision is to 5 MCAR § 1.0791.

Subsection A. and B. No change.

Subsection C.3.b., regarding adult supplementary license validity, contains the amendment expanding the terms of the initial entrance and the renewed adult supplementary licenses to five years. This amendment is needed because it provides for initial entrance and renewed adult supplementary licenses to be valid for a five-year period for individuals who are not otherwise teachers, but who are knowledgeable in technical fields. The amendment

is reasonable because: 1) It provides the flexibility needed to license persons with special expertise. 2) It reduces the state administrative burden and still retains the assurance of qualified teachers. 3) Due to the limited number of hours these licenses permit a person to teach, it makes the license fee for adult supplementary instructors more equitable in comparison to full-time teachers in terms of the anticipated earnings from teaching.

5 MCAR § 1.0782 B.1.b.

The amendment to 5 MCAR § 1.0791 C.3.b. creates the first five-year entrance license available for vocational education teachers. As a result 5 MCAR § 1.0782 B.1.b., which addresses all initial entrance vocational licenses, has been amended to recognize the five-year initial entrance adult supplementary license. This amendment is needed and reasonable because it provides for conformity between these two rules.

5 MCAR § 1.0782 B.4.c. and 5 MCAR § 1.0786 E.

The amendment to 5 MCAR § 1.0791 C.3.b. is intended to increase the terms of the adult supplementary licenses and is not intended to add continuing education requirement to such licenses. The amendments to 5 MCAR §§ 1.0782 and 1.0786 are needed to alert local administrators and teachers to the fact that these sections do not apply to an adult supplementary license. The amendments are reasonable because a renewed regular five-year vocational license as identified in 5 MCAR § 1.0782 B.4. and 5 MCAR § 1.0786 intends to refer only to those teachers licensed to teach full-time. Prior to the amendment to 5 MCAR § 1.0791 C.3.b., allowing part-time adult supplementary teachers a five-year entrance license, Subsection 1.0782 B.4.c. and Section 1.0786 were not subject to an interpretation which would include part-time adult supplementary teachers.

REPEALER

5 MCAR § 1.0791 C.3.c. is repealed because it will be replaced by these new rules. When the new 5 MCAR § 1.0791 C.3.b. becomes effective, the old provision will serve no purpose.

State Board of Education
(State Board for Vocational Education)
Department of Education
Vocational-Technical Division

In the Matter of the Proposed Adoption of Amendments to Rules of the State Board of Education (State Board for Vocational Education) Governing Adult Supplementary Licenses

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, Special Assistant Attorney General Charles T. Mottl, do hereby declare that I have examined the rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.

Dated: August 26, 1982.

Charles T. Mottl
Special Assistant
Attorney General